



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/611,764 03/08/96 CUMMINS

B 8039.3806

HM42/1218

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EXAMINER

PAK, J

ART UNIT

PAPER NUMBER

1616

DATE MAILED:

12/18/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to Applicant's Brief on Appeal, filed on 5/22/98

☒ The allowed claim(s) is/are 6, 3, 4, 7 and 5 [renumbered as 1-5]

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

JOHN PAK
PRIMARY EXAMINER
GROUP 1600



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

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HM42/1218

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/611,764	03/08/96	005	PAK, J	1616 12/18/98
First Named Applicant	CUMMINS, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION
ACIDIC COMPOSITION OF MATTER FOR USE TO DESTROY MICROORGANISMS

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
8639.3306	424-710.000	M88	UTILITY	YES	\$605.00	03/18/99

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue-Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

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This Office Action is in response to applicant's Brief on Appeal, filed on 5/22/98.

Upon reconsideration and in view of applicant's arguments in the Brief, the finality of the Office Action of Paper No. 5 (7/16/97) is hereby withdrawn.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Haley on 12/15/98.

Delete and rewrite claim 1 as new claim 6.

CLAIM 6. A composition of matter useful for the treatment of killing microorganism and human skin diseases, produced by the steps consisting of:

combining sulfuric acid of 98 percent purity in a 1 to 2 volume ratio with distilled water and ammonium sulfate in a ratio of 2.77 lbs. of ammonium sulfate per gallon of distilled water to provide mixture (I);

combining the mixture (I) in a pressurized vessel at a pressure that is 15 psi above atmospheric pressure and heating the mixture to at least 1200 °F for at least three hours;

cooling the mixture; and

after the mixture is cooled, adding a stabilizer which includes 10 weight percent of the total weight of mixture (I).

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Delete and rewrite claim 2 as new claim 7.

CLAIM ⁴7. A composition of matter useful for the treatment of killing

microorganism and human skin diseases, produced by the steps consisting of:

combining sulfuric acid of 98 percent purity in a 1 to 2 volume ratio with distilled water and urea in a ratio of 2.77 lbs. of urea per gallon of distilled water to provide mixture

B2 (II);

combining the mixture (II) in a pressurized vessel at a pressure that is 15 psi above atmospheric pressure and heating the mixture to at least 1200 °F for at least three hours;

cooling the mixture; and

after the mixture is cooled, adding a stabilizer which includes 10 weight percent of the total weight of mixture (II).

Claims 3 and 4 (each instance): delete "1" and insert --- 6 --- .

Claim 5, line 1: delete "The" and insert --- A --- .

Claim 5, line 12: after "sulfate" insert --- (mixture III) --- .

Claim 5, lines 17-18: delete "mixture to at least 10 percent of the original mixture,"

and insert --- mixture, wherein said stabilizer includes 10 weight percent of the total weight

B3 of mixture (III) *am*

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Reasons for Allowance

The following is an examiner's statement of reasons for allowance: Upon reconsideration and further review, taken with applicant's arguments in pages 4-7 of the Brief on Appeal, it is appreciated now that the claimed invention, as presently amended, is directed to a novel and unobvious subject matter. The prior art fails to teach or suggest combining sulfuric acid and ammonium sulfate/urea at the claimed proportions, temperature and pressure for the claimed period of time and then subsequently adding a stabilizer that includes 10 wt% of the original mixture. Therefore, the resultant microbicidal composition and method of making it are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

It is noted for the record that the new references listed on the attached PTO-892 are being cited to further show the state of the art.


A facsimile center has been established in Technology Center 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier numbers for accessing the facsimile machines are (703) 308-4556 or (703) 305-3592.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Pak whose telephone number is (703) 308-4538. The Examiner can normally be reached on Monday through Thursday from 8:00 AM to 5:30 PM. The Examiner can also be reached on alternate Fridays. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. José Dees, can be reached on (703) 308-4628. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.


JOHN PAK
PRIMARY EXAMINER
GROUP 1200